



DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO CA 95814-2922

REPLY TO
ATTENTION OF

July 29, 2014

Regulatory Division SPK-2008-00861

Ryan Wulff
National Marine Fisheries Service
650 Capital Mall, Suite 5-100
Sacramento, California 95814

Dear Mr. Wulff:

This letter is intended to provide clarification of our understanding of the Environmental Impact Statement (EIS) for the Bay Delta Conservation Plan (BDCP) as it relates to the U.S. Army Corps of Engineers' Regulatory Programs.

The Sacramento District recognizes that the Draft EIS for the BDCP is primarily focused on two different proposed federal actions, namely the issuance of permits under Section 10 of the Endangered Species Act by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service and the adoption of operational and other changes to the Central Valley Project by the Bureau of Reclamation. The District further understands the Final EIS is not intended to include a level of analysis sufficient to support permit decisions under Section 404 of the Clean Water Act and Sections 10 and 14 of the Rivers and Harbors Act of 1899 for all actions associated with the BDCP. Rather, the EIS may later be supplemented through additional environmental documentation, if necessary. Furthermore, the District does not expect the BDCP EIS will include an analysis of alternatives that it will rely on to make a determination regarding the "least environmentally damaging practicable alternative" pursuant to the U.S. Environmental Protection Agency's 404(b)(1) Guidelines. Instead, the District will conduct such an analysis once it has received a permit application and additional project-level information.

The District is committed to further assisting the BDCP lead agencies in the development of an EIS that serves the needs of the BDCP parties. We will continue to work with the lead agencies regarding such issues as impacts of the BDCP to navigation, federal flood control and navigation projects, and waters of the United States, including wetlands. If you have any questions, please contact me by email at Michael.G.Nepstad@usace.army.mil or telephone at 916-557-7262.

Sincerely,

Michael G. Nepstad
Deputy Division Chief,
Regulatory Division